

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DANNY ABOSCH, et al.,

Plaintiff,

-against-

SCHOLASTIC, INC., et al.,

Defendants.

24-CV-8041 (AT) (OTW)

## ORDER

**ONA T. WANG, United States Magistrate Judge:**

The Court has held three settlement conversations with counsel for the parties in this action since at least February 11, 2025. (ECF Nos. 36, 40, 41). Some conversations have been with counsel together; others have been separate, with counsel for one side or the other. I last had separate calls with counsel on March 11, 2025. (ECF Nos. 40, 41).

Yesterday, I received an *ex parte* communication from Plaintiff’s counsel, Mr. Koonce, which I have filed provisionally under seal at ECF 46. To summarize broadly, the communication accuses opposing counsel, Mr. Cohen, of accusing Mr. Koonce over email of “inappropriately” conveying “confidential information with Magistrate [Judge] Wang.” (quotations in original). Mr. Cohen is not copied; the emails he references are not attached; nor does the letter seek any relief.

My Individual Practices set out **narrow** circumstances under which counsel may submit *ex parte* communications. **This is not one of them.** To my knowledge, nowhere in my Individual Practices do I invite or encourage unsolicited *ex parte* communications, despite Plaintiff's suggestions to the contrary.

Accordingly, **Plaintiff's counsel is directed to serve a copy of ECF 46, as circulated to my Chambers on March 11, to Defendants' counsel forthwith.** Counsel are then directed to meet and confer on the following issues, after which they will file a joint status letter on the **public docket by Tuesday, March 18, 2025**, that identifies:

- Whether ECF 46 should remain sealed, in which case, the party seeking to seal will file a motion to seal, in accordance with my Individual Practices, by **Friday, March 21, 2025**. If no such motion is filed by March 21, the Court will unseal the letter on **March 24, 2025**;
- Whether the parties wish to have a follow up preliminary settlement conference call, and, if so, proposing three dates and times in April 2025 when all counsel is available; and
- What relief, if any, either party seeks from the Court in connection with Plaintiff's letter.

**SO ORDERED.**

Dated: March 13, 2025  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge